

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

January 28, 2009

The meeting was called to order at 4:01 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Jack Matheson, Terri Mills, Phil Conder, Mary Jayne Davis, and Jason Jones

ABSENT:

Brent Fuller

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Steve Pastorik, Hannah Thiel, Steve Lehman, Jody Knapp and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

Nicole Cottle, Deputy City Attorney

AUDIENCE

Approximately twelve (12) people were in the audience

ZONE CHANGE APPLICATION:

Z-9-2008

Colin Wright

5300 South 5600 West

M to R-1-4 and MXD

16.1 acres

This application was continued during the public hearings on December 10, 2008 and January 14, 2009. The following staff report has not been changed from the report provided for the January 14th meeting.

Colin Wright with Blackridge Development is requesting a zone change for 16.1 acres of a 16.4 acre parcel at approximately 5300 South 5600 West from M (manufacturing) to R-1-4 (residential, single family, minimum lot size 4,000 square feet) and MXD (mixed use). Surrounding zones include R-1-7 to the west and north, R-1-6 to the east in Salt Lake County, and C-2 to the south. Surrounding land uses include single family homes or lots planned for single family homes to the north and west, single family homes to the east, and a convenience store and vacant land to the south. The subject property is designated as medium density residential, general commercial, or mixed use in the West Valley City General Plan. The southeast portion of the property is developed as a Maverik convenience store; hence, this portion of the property was left out of the rezone application.

Up until 4 years ago, all of the property within the City that is east of the West Ridge Golf Course was zoned M. In 2004, the City changed the zoning on the City owned property to the southeast of the golf course from M to R-1-7. This land was then sold to Ivory Homes which Ivory then developed as the Westridge Estates Subdivision.

Attached to this report is a letter from Colin Wright which outlines the reasoning for this application. Also included with Mr. Wright's letter is a memo from UTA which describes the transit upgrade planned along 5600 West.

As described in the memo from UTA, UTA and UDOT have committed to building bus rapid transit (BRT) in dedicated lanes in the center of 5600 West between 6200 South and 2700 South by 2015. Stations for this BRT are planned every mile with a station planned at the intersection of 5600 West and 5400 South. The Wasatch Front Regional Council's regional transportation plan includes BRT along 5400 South by 2030. The subject property is currently serviced by bus route 54, which runs along 5400 South and connects with the 5300 South TRAX station, and by bus route 356, a fast bus with limited stops and park & ride lots that runs along 5600 West and goes to downtown Salt Lake.

Development Plan

A copy of the development plan is attached. The concept includes five different types of uses. The R-1-4 portion of the project is designed very similar to the parkside home concept Ivory Homes is proposing in Highbury and has built in Daybreak. Building Types A and B are three story senior apartments with Building A having one space for an office or retail tenant on the ground floor. An elevation for Building Type A is attached. There are three Building Type C buildings which are three story, 24 unit apartments. An elevation for Building Type

C is attached. Commercial Parcel 1 is reserved for retail or office space. Commercial Parcel 2 is reserved for office space. The proposed mix of uses within the MXD Zone meets the requirement that states: “No one category of uses (including residential) may occupy more than 75 percent of the total floor area.” Also attached to this report is an illustration of the proposed entrance features.

Project Evaluation

The MXD Zone is unique in that it requires a significant amount of project information before a property can be zoned MXD. In Section 7-6-1502 of the Zoning Ordinance is a list of project evaluation criteria. The Section states: “All development proposals for the MXD Zone shall be evaluated based on their compatibility with:

- The West Valley City General Plan
- The purpose and characteristics of the MXD Zone
- Sound planning practices
- Surrounding land-uses
- All other City-approved studies”

The stated purpose of the MXD Zone is to: “facilitate the integration of diverse but compatible uses into a single development, with the goal of creating a community that offers ‘live, work, and play’ opportunities within convenient walking distance of each other.” The ordinance also states: “Developments within an MXD Zone shall exhibit urban characteristics such as:

- Minimal building setbacks
- Large parkstrips and sidewalks
- Community gathering spaces
- Shared parking
- Integrated public transit
- Diverse and distinctive design features”

Once a property is zoned MXD, the uses outlined in the development plan are reviewed as a permitted use unless otherwise stated in a development agreement.

Applicable Ordinances

Given the blend of uses proposed and the location of the project, several ordinances apply to this property. These ordinances include transfer of development rights (TDR) for the residential portion of the project, planned unit development (PUD) for the single family detached portion, commercial design standards for the office and retail portion, multi-family design standards for the two types of apartments, single family design standards for the single family detached portion, overpressure zones for the entire project, MXD Zone standards for everything except the single family portion, and standards for landscaping along high-image arterial streets along 5600 West and 5400 South.

Development Agreement

When blending several uses into one project, attention to detail is important. Staff has been working with the applicant to develop a detailed development agreement. A draft of this agreement, entitled “Exhibit B – The Villages at Westridges”, is attached.

Issues Raised During December 10th Public Hearing

There were essentially three main issues raised during the public hearing on December 10th. Each of these issues is listed below in italics together with staff's response to each.

- *Should 5675 West stub street to the north be extended through the development and connect with 5400 South?* As mentioned during the study session, staff believes that making such a connection is not essential for traffic flow and would likely cause problems with the neighbors to the north. The applicant is not opposed to changing the development plan to show the connection.
- *Is this really a mixed use project?* As discussed above, the portion of the project proposed for the MXD Zone does meet the use mix required. Also, as was discussed in study session during the UTA presentation on transit-oriented development (TOD), each TOD project is unique and should factor in the size of the project and what surrounds it. Some TOD projects are mostly residential. A large amount of commercial at this location is a challenge due to: 1) the 25 acre, Walmart anchored center with about 225,000 square feet of commercial one mile to the south, 2) the 22 acre, Smiths and Lowes anchored center with about 210,000 square feet of commercial two miles to the north, and 3) the large commercial center in Kearns and Taylorsville two miles to the east on 5400 South.
- *Is the density proposed too high for this location?* For a TOD project with planned BRT service on both 5600 West and 5400 South, the proposed density is actually on the low end of what is recommended from a transit standpoint. In addition to the existing and proposed transit service, additional considerations for some higher density residential at this location are it is located on the corner of two arterials and it will be about one mile east of a Mountain View Corridor interchange.

Staff Alternatives:

- Approval of the zone change subject to the standards in the development agreement.
- Approval of the zone change subject to the standards in the development agreement with the exception that item 5 under the Entire Neighborhood section be removed and the development plan (Exhibit C) be modified to show a public street connection from the 5675 West stub street to 5400 South. The revised development plan shall be reviewed by the Planning Commission in a study session before this application is forwarded to the City Council for their review.
- Continuance to address issues raised during the public hearing.
- Denial, the development should contain less residential and more office and retail.

Applicant:

Colin Wright
500 North Market Place Dr.
Centerville, UT 84014

Discussion: Steve Pastorik presented the application. He explained that the applicant has requested the application to be continued indefinitely in light of the City's efforts in creating a new TOD (transit-oriented development) zoning ordinance. The Planning Commission had no further comments or concerns.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for indefinite continuance

Commissioner Davis seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Conder | Yes |
| Commissioner Davis | Yes |
| Commissioner Jones | Yes |
| Commissioner Matheson | Yes |
| Commissioner Mills | Yes |
| Chairman Woodruff | Yes |

Unanimous - Z-9-2008– Approved

SUBDIVISION APPLICATIONS:

S-1-2009

Highbury Towns East – Preliminary Plat

Ivory Homes

R-1-8 Zone

90 Units

9.6 Acres

9.4 U/A

BACKGROUND

Brad Mackay, representing Ivory Homes, is requesting preliminary approval for a new residential development to be known as Highbury Towns East. The subject property is located north of 3100 South and east of Daybury Drive.

STAFF/AGENCY COMMENTS:

Public Works Department:

- ☐ Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Contact Salt Lake County Auditor's Office for approval of street names and subdivision names.
- Street improvements shall be installed in accordance with plan and profiles approved by the Engineering Division.
- Revisions to plat required.
- Flood control issues to be coordinated with Public Works.

- Will review the traffic circle to determine an acceptable size.

Utility Companies:

- ☐ Standard Utility Easements required.

Granger Hunter Improvement District:

- ☐ Project is subject to all GHID requirements and design standards.

Fire Department:

- ☐ Proposed fire hydrant locations need to be shown on subdivision plat.
- Project shall meet all provisions of Fire Code relating to this type of development.
- Fire access will need to be reviewed.
- Will need to review traffic circle for emergency vehicle access.

Building Division:

- Soils report will be required.

ISSUES:

- The Highbury Towns East project is a residential community consisting of 90 units on 9.6 acres. The original development agreement was amended by the Planning Commission and approved by the City Council in December 2008. According to the development agreement, this project is to be substantially like the original town homes constructed by Ivory Homes which is located to the west of Daybury Drive.
- The site has been designed with buildings generally fronting the public street. This will be similar to the first Ivory project. Building elevations will be the same as those constructed in the original town home project. Ivory is adding an additional color scheme to create more diversity between buildings. A total of three color schemes will be used in this project.
- Buildings will consist of 100% masonry products. Brick and stucco will comprise the majority of exterior materials. Other masonry products may be used as accents where determined appropriate. Staff will recommend that brick be used on all elevations fronting private streets and courts to enhance the building elevation.
- There are a number of unit types with varying square footages. Unit sizes range from 1104 to 1861 square feet. All units will have a courtyard and/or a covered porch. The courtyard areas are fairly large and will provide residents a sense of outdoor living.
- Ivory Homes is planning on installing basements for all homes. A soils report was prepared when this area was planned for single family development. The report indicates that ground water was encountered at a depth ranging from 5-10 feet below existing grades. The finished grade elevations in this phase will be raised

approximately 2 feet which will allow full basements to be constructed. It is staffs understanding that Ivory will also install a sub-drain system to provide an extra measure of protection for new home owners.

- The proposed site plan indicates that the majority of residential units will have a two car garage. In an attempt to offer differing price points, Ivory is proposing that 21 units be constructed with a single garage. This differs from their original project where all units have a 2 car garage. The development agreement contains various exhibits regarding unit types. These exhibits indicate that all units will have a two car garage. As a result, staff will recommend that all units be provided with a two car garage. Although this may lessen the total number of units, it will comply with the approved development agreement.
- The proposed site plan does not provide any guest parking. Although the site meets the parking requirement for the zone, staff believes that guest parking is needed. Due to the narrow width of the private street, parking would not be allowed even on one side. As a result, there is limited parking for guests who may visit this community. Staff has discussed this matter with Ivory and they believe that 10-12 spaces could easily be provided. This recommendation will be reflected on the final plat.
- Setbacks are being proposed as illustrated on the site plan. Staff would like to see the setback along 3100 South increased to 15 feet. The minimum setback for all driveways will be 20 feet as specified in the development agreement.
- Open space for this development has been calculated at 52%. Of this number, approximately 17.1% has been calculated for usable open space. The specifics of the open space were not addressed during the development agreement. The agreement states that a clubhouse may be required as determined by the preliminary subdivision process.
- Ivory has not yet committed to a clubhouse. Staff believes that if a clubhouse is not provided for this development, the developer shall be required to provide a list of amenities that would off-set the lack of a clubhouse. Staff would suggest that the developer consider play structures, a sports court, gazebo and/or pavilion with picnic tables. Staff believes that these types of amenities along with what Zion's is proposing by way of the master trail system, waterways and urban fishery, will provide ample recreational and outdoor opportunities for residents living in this community. The question as to whether a clubhouse is constructed will need to be explored during the Planning Commission hearing.
- There are sufficient walking paths throughout the community. However, staff would like to see a sidewalk installed in the larger park along the north boundary to provide a better connection to the walkways on each side of the dedicated street.
- Staff has evaluated this project in regards to the multiple family design standards. This project meets the standards outlined in the ordinance governing architecture, color and variation. The developer will be provided a copy of these standards to

- make sure that all areas have been addressed. In addition, the proposed development has been reviewed and approved by Zions Securities.
- Access to the site will be gained from Daybury Drive and from a future connection to the north. The L shaped road will be dedicated for public use. One unique aspect about this road is the proposed traffic circle. Ivory is utilizing this concept to calm traffic and to provide an aesthetic value to the community. The landscaped island will be maintained by the Master Association. The City Engineering Division will need to review this proposal and will provide a recommendation prior to the final plat. All other roads in this development will be private. The minimum asphalt width has been approved at 20 feet. However, where fire hydrants are required, this width will need to increase to 26 feet. The design and layout of the street system has been approved by the City Fire Department.
 - As a number of residents from the Highbury community will undoubtedly use the City's Fitness Center, staff would like to recommend that a special type of crossing be considered at the intersection of 5400 West and 3100 South. A similar recommendation was made during the review process for other residential developments in this area. Staff believes that a crossing with a change in elevation, a pedestrian activated signal, or use of paving materials using color, or texture would benefit the pedestrian crossing at this location. Staff will raise this issue with the City's traffic engineer to see if something could be done to enhance the safety of this intersection.
 - Improvements have been installed along 3100 South. The cross section consists of a 5-foot parkstrip and 5-foot sidewalk. A trex fence will be installed along the back of sidewalk in conjunction with this project. Fencing exists along the eastern boundary adjacent to the elementary school. Staff is not sure if Ivory intends to install solid fencing or will leave the existing fence in place.
 - Along this same boundary, Ivory is proposing to install a pedestrian access into the elementary school. Although a pedestrian access will be constructed as part of phase 4 to the north, a second access makes sense due to the number of children from this development as well as from the first phase to the west. This matter will need to be coordinated with the Granite School District.
 - Ivory anticipates using the same type of lighting as was used for their original project. An entry feature will also be used off of Daybury Drive. These neighborhood markers were reviewed as part of the development agreement.
 - Staff did receive one comment from a nearby resident. We have included her e-mail for your review. It appears that her concern is regarding the zoning and/or modified development agreement approved by the Council in December 2008. Staff responded to her that the property was already approved for this development and that if she had additional questions regarding the site plan etc., to contact us.

STAFF ALTERNATIVES:

- A. Grant preliminary approval for the Highbury Towns East Subdivision subject to the following conditions:
1. That the developer resolve all staff and agency concerns.
 2. That this development comply with all provisions listed in the development agreement.
 3. That the developer provide a landscape plan to be reviewed during the final plat process. Said landscaping plan shall provide measures to ensure water conservation techniques will be used in accordance with City ordinances.
 4. That the Planning Commission provide a recommendation regarding whether a clubhouse will be required. Aside from the clubhouse issue, staff recommends that Ivory Homes provide an amenity package for this development. Consideration shall be given to the following: Tot lot, gazebo/pavilion, picnic tables, sports court and other similar items that will enhance the open spaces within this development. Plans, placement and specifications shall be more formally reviewed during the final plat process.
 5. That the proposed development comply with all provisions of the West Valley City Fire Department. This shall include access into and through the project.
 6. That the developer resolve any issues regarding irrigation ditches and irrigation water that may be in use.
 7. That compliance be made with Granger Hunter Improvement District, i.e., water line extensions, connections, water rights and fire protection.
 8. That the subdivision name and street names be approved by the Salt Lake County Auditor's Office.
 9. That proposed building setbacks be in accordance with the site plan reviewed as part of this application. The building setback along 3100 South shall be increased to 15 feet. Slight modifications can be made to other setbacks if needed in order to accommodate utilities or other infrastructure. Modifications that deviate substantially from the approved site plan shall be reviewed by the Planning Commission.
 10. That specialty lighting be provided throughout the entire development. A lighting plan shall be provided prior to final plat review.
 11. That entry features be installed at Daybury Drive. Said features shall be in accordance with those approved as part of the development agreement.
 12. That building elevations, colors and materials, be in accordance with those illustrated during the January 28, 2009 Planning Commission hearing. The

developer shall also provide brick materials to each building along all private streets and/or alleys as was done in the original town home project.

13. That trex fencing be installed along 3100 South. Said fencing shall match the existing fencing along 3100 South and east of Daybury Drive.
 14. That the City Transportation Engineer and Parks Department evaluate the possibility of a special crossing at 3100 South and 5400 West as mentioned in the staff analysis.
 15. That a pedestrian access be provided to the elementary school to the east. Said location shall be between phases 3 and 4. (This recommendation is subject to approval by the Granite School District)
 16. That all units have a 2 car garage.
 17. That a sidewalk be constructed along the north side of Parcel A.
 18. That the City Engineering Division review the roundabout. Findings of this review will be discussed during the final plat process.
- B. Continuation, in order for the developer to address issues raised during the public hearing.

Applicant:

Chris Gamvroulas
Ivory Homes

Applicant:

Mike Hathorne
Zions Securities

Opposed:

Melody Thompson
3051 S. Crews Hill Ct.

Opposed:

Vicki Smoot
3055 Crews Hill Ct.

Opposed:

Karen Demara
3090 Crews Hill Ct.

Discussion: Steve Lehman presented the application. He explained modified changes proposed by the applicant that include the homes on the East end being shifted to face one another with an open space rather than fronting onto the proposed elementary school. Staff feels this is a positive improvement to the subdivision plat. Terri Mills asked about the setbacks. Steve replied that setbacks could be 15-20 feet in the front depending on the parcel and the minimum driveway depth will be about 20 feet. Chris Gamvroulas passed around a color board that displayed three different pallets. He explained that the purpose of this is to ensure there is enough variation to create a unique feel to the subdivision. He indicated that since this subdivision will be substantially similar to the neighboring one, Ivory has added an optional rambler plan to create articulation in the rooftops. Chris explained that the roundabout will be a beneficial traffic calmer as well as providing a unique visual attraction to the neighborhood. He explained that Ivory will add to the guest parking and has collectively collaborated with Public Works, Zions Securities, and the Fire Department to determine an acceptable width for the narrower private streets. Chris indicated that Ivory is willing to include a clubhouse if the Planning Commission

believes it will be a beneficial feature. He indicated that only 90 people would be paying for its use so it would have to be built with an appropriate scale. He expressed concern about the necessity of a clubhouse due to the West Valley City Family Fitness Center across the street from the subdivision and stated that most people would rather utilize that facility than have to pay an additional fee each month for the clubhouse. Chris stated that he completely supports the City's efforts to include a pedestrian access and indicated where a monument is already undergoing construction.

Phil Conder questioned when the access to the elementary school will be built. Chris replied that the access points to the elementary school will be built as the phases of the development are constructed. He stated that there are conditions for the access points set by Granite School District but they do understand the importance of having them. Jack Matheson asked about the type of street lighting that will be used. Chris stated that they are using the City standard used on public streets on both the public and private roads in the subdivision. Terri Mills requested further information on the narrowing streets. Chris indicated the narrower roads on the proposed plat and explained that there will be a barrier at the roundabout to keep drivers in a right only mode. He explained that narrower roads slow traffic and provide more landscape and less asphalt. Jack Matheson questioned if the curb profile is mountable. Chris replied yes. Commissioner Mills questioned whether there is a concern with feeling shut in with the narrow roads and 2 story home. Chris replied that it's actually the point to provide a more intimate feel in the community. He stated that some people may argue this but it is the best for the land use. Commissioner Mills questioned where the ramblers will be located. Chris replied that they are end units and the number of them will be dictated by the market. Jack Matheson suggested a pop-out window box or material differentiation on the plain side of the unit to create a more attractive feel.

Melody Thompson, a neighbor residing in the existing bordering subdivision, stated that she had concerns with more rooftops making the area feel like an apartment complex. She stated that she feels this has been taken care of with the variation being provided by Ivory. She indicated she appreciates efforts to get a pedestrian walkway to the Fitness Center because traffic flow will be much higher with these additional 90 units. Ms. Thompson concluded that she still has some concerns with landscaping in the new development.

Karen Demara, another resident in the neighboring subdivision, stated that she has a concern with the ramblers not being spaced evenly and creating a monotony problem in the subdivision. She stated that her family would have appreciated a clubhouse because she has a disabled child and it would be a lot easier to utilize a smaller facility that is close to the home. Ms. Demara asked if the power lines will be buried in her subdivision. Mike Hathorne stated that he is unaware that this was ever proposed and his understanding is that the voltage is too high for the power lines to be buried. Ms. Demara stated that she is concerned with the narrowness of the roads because the ones in her community are larger and are still a problem on garbage day. She concluded that the monuments are beautiful but make it difficult to see around the roundabouts.

Vicky Smoot stated that she appreciates all the information Ivory has provided but indicated that she is disappointed by the changes to this phase of the development. She explained that she would like to see useable green space for children and expressed concern with the lack of guest parking in both subdivisions. She added that people aren't familiar with roundabouts and don't know how to use them appropriately. She stated that cautionary signs are a necessity. Ms. Smoot also indicated that narrower roads will be a problem for residents. Steve Lehman explained the areas of open space once more and stated that staff recognizes the parking issue and are concerned as well. He added that this latest layout indicates 23-24 extra guest parking spaces. He agreed the roundabouts are a problem without signage and stated that he will speak to a traffic engineer. Jack Matheson stated that the final signage has just been completed for the roundabouts. He indicated that roundabout accidents are less severe because of the circular nature but agreed that they do take some getting used to.

Mary Jayne Davis asked what the smallest clubhouse Ivory development is. Mike Hathorne replied that it is a 120 unit development. Commissioner Davis questioned whether HOA fees will increase with a clubhouse. Chris replied yes. Phil Conder stated that he recalls a conversation about combining the use of the clubhouse with the single family homes to the North. Chris replied that the idea didn't go over well.

Terri Mills stated that she likes the idea of a wainscot or window treatment to enhance the side elevation of the rambler homes and added that she is concerned with no spacing or quantity requirements. She explained that she has a lot of concern with the narrowness of the roads. Commissioner Mills added that most individuals will not want to pay an additional clubhouse fee each month and would encourage gazebos, benches, etc in place of that. She stated that she doesn't like the Trex fencing. Steve commented that elevations are not addressed in the staff report since they will be coming back in the final subdivision plat. He explained that street widths have been negotiated back and forth several times and 20 feet is the number everyone felt okay with. Steve stated that he doesn't like the Trex fencing either but is something the City Council has already approved. Jason Jones stated that he likes the new layout and rambler but doesn't like the narrow lanes though he does understand that more green space is better than asphalt.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval subject to the 18 staff alternatives, replacing the term "roundabout" in item number 18 with "traffic circle", adding item number 19 to state the craftsman style architecture be considered and additional enhancements shall be added to the side elevations and that they be reviewed by the Planning Commission, and including that an amenity package shall be provided in place of a clubhouse.

Commissioner Conder seconded the motion.

Roll call vote:

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| Commissioner Conder | Yes |
| Commissioner Davis | Yes |
| Commissioner Jones | No |
| Commissioner Matheson | Yes |
| Commissioner Mills | Yes |
| Chairman Woodruff | Yes |

Majority - S-1-2009– Approved

S-2-2009

Rocky Mountain Care Subdivision

4150 West 3390 South

C-2 Zone

3 Lots

BACKGROUND

Randy Smith, representing the property owner, is requesting preliminary and final subdivision approval for a commercial subdivision in the C-2 Zone. The subject property is part of the Pioneer Valley Hospital campus. The subdivision is located northeast of the hospital and north of Pioneer Parkway.

ISSUES:

The commercial subdivision is being proposed in order to divide 4 existing parcels into 3 lots. As part of the subdivision, a new lot (lot 2) will be created to accommodate a new residential care facility. Lot 1, with its existing buildings will remain unchanged. The southwest corner of lot 3 will eventually become a parking lot for both the hospital and care facility. The northern portion of lot 3 will be used for detention purposes.

As part of the subdivision, the applicant will need to dedicate 4000 West to a 40-foot half width. Modifications to Pioneer Parkway will be addressed as part of the conditional use application.

A conditional use application has been submitted for this property and will be reviewed later in the Planning Commission meeting. Therefore, staff and agency comments will be better addressed through that process. The subdivision will create new lots, easements, and cross easements for access.

STAFF ALTERNATIVES:

1. Approve the Rocky Mountain Care Subdivision subject to a resolution of staff and agency comments.
2. Continue the application to address concerns raised during the Planning Commission hearing.

Applicant:

Bryan Schmutz
3377 South 350 West
Bountiful, UT 84010

Discussion: Steve Lehman presented the application. Phil Conder questioned whether a delay agreement can be including for the fences. Steve replied that it would more appropriately be done at the conditional use level. Bryan Shmutz stated that this is being requested because Engineering required a subdivision plat.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Jones moved for approval subject to the resolution of staff and agency concerns.

Commissioner Mills seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Conder | Yes |
| Commissioner Davis | Yes |
| Commissioner Jones | Yes |
| Commissioner Matheson | Yes |
| Commissioner Mills | Yes |
| Chairman Woodruff | Yes |

Unanimous - S-2-2009– Approved

CONDITIONAL USE APPLICATIONS:

C-50-2007

**Legacy III at Lakepark
4275 West Lake Park Boulevard
B/RP Zone (6.7Acres)**

The applicant, SL&A Architects and the owners of the Legacy III site, Talcott, are requesting an extension to their conditional use permit. This permit was approved by the Planning Commission on January 9, 2008 and is for a four-story office building.

Please see the attached letter for further details.

Staff Alternatives:

Approval, subject to the resolution of any concerns raised at the public hearing

Applicant:

Brad Ashworth
634 South 400 West
Salt Lake City, UT 84101

Discussion: Hannah Thiel presented the application. The applicant, Brad Ashworth, stated that he is actively trying to find tenants to lease out the building. Jack Matheson questioned if the building will be the same as the existing. Brad replied yes

and added that it will be one of three.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Mills moved for approval subject to the resolution of staff and agency concerns.

Commissioner Davis seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Conder | Yes |
| Commissioner Davis | Yes |
| Commissioner Jones | Yes |
| Commissioner Matheson | Yes |
| Commissioner Mills | Yes |
| Chairman Woodruff | Yes |

Unanimous - C-50-2007– Approved

C-63-2008

Bill Terburg, Relocation of Helipad

3460 South 4155 West

General Commercial (C-2) zone, 0.3373 acres

Staff Presentation by Hannah Thiel, Planner I

Background

Bill Terburg with ACM Architects and Jay R Bangerter with Rocky Mountain Care are requesting a conditional use amendment for a new Rocky Mountain Care retirement facility located adjacent to the Pioneer Valley Hospital at 3460 South 4155 West. A conditional use was initially approved for this location on May 17, 1978 for the existing retirement center at its current location. This application is an amendment to the initial conditional use permit so that the retirement home can be rebuilt on the property. A nursing home or convalescence center is a permitted use in the 'C-2' or general commercial zone, but must be reviewed by the Planning Commission as it is amending the original conditional use for the property. The retirement home is proposed to be built on 2.52 acres of land. The General Plan designates this property as General Commercial or Medium Density.

The applicant has noted in the attached letter that the retirement home is operated 24 hours a day, 365 days a year. Visiting hours are from 9 am to 10 pm every day. This property is proposing 54 parking spaces where 48 spaces are required. The property has a six foot chain link fence existing on the property line, adjacent to the multifamily homes to the east. Trees will be planted next to the fence, which will aid as a sound and visual barrier for the homes located to the east of this property. Mechanical equipment will be located on the roof of the proposed building but will not be visible as it will be located in recessed wells in the roof structure. There will be deliveries that take place 2 to 4 times a week on the north side (or the rear) of the building.

The property on the South, and South East sides of the hospital complex at 3460 South 4155 West are zoned C-2 and are designated General Commercial or Medium Density under the General Plan. The other sides of 3460 South 4155 West are zoned Single Family Residential and Multifamily Residential and are designated Low and Medium Density Residential under the General Plan. Although the proposed retirement home is shifted closer to the east property lines adjacent to multifamily residential, the use is not changing and staff does not see this use adversely affecting neighbors or neighboring zones.

Recommendations/ Staff Alternatives

- Approval subject to any issues raised at the public hearing as well as the following conditions:
 1. That the applicant shall meet all City Ordinances for all West Valley City Departments, including meeting the Commercial Design Standard Ordinance.
 2. That the staff approved building elevations be reviewed by the Planning Commission in a study session.
 3. That a permitted use be obtained for the proposed parking lot that will replace the existing retirement center.
 4. That a building permit be obtained for the proposed monument sign.
 5. That the chain link fence along the North East part of the property remain chain link and not be required to be changed to a masonry wall.
 6. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.
- Continuance, for resolution of any issues that may arise at the public hearing.
- Denial of Conditional Use Amendment for proposed retirement center.

Applicant:

Bill Terberg

Applicant:

J.R. Bangerter

Discussion: Hannah Thiel presented the application. Hannah indicated that as the subdivision plat has not yet been recorded for the property, the project could be required to put up a masonry wall along all residential boundaries of the current lot, which extends to the North and East residential property lines. Terri Mills questioned if landscaping will be disrupted if the chain-link fence is removed and a masonry one is installed. Hannah replied that the process would likely disturb some landscaping on both sides of the wall but Harold Woodruff added that none of the landscaping is very mature. Hannah agreed and explained that there is also a detention pond that causes the landscaping to be un-groomed.

Bill Terberg stated that this is a complicated application as far as the land goes because it has involved negotiations with the hospital as well as the relocation of the helipad. This application has also required conversations on access, right of ways, and usage agreements. Mr. Terberg explained that the area is considered to be a campus and the only thing that doesn't belong to the hospital is the existing nursing home. He explained that having a fence requirement would require consent and input from the hospital and is not something the applicant wishes to do. Mr. Terberg described various features of the facility as well as stating that residents will experience a very high quality of care. Harold questioned how the storage building is accessed. Bill indicated the access point on the plat. Phil Conder questioned whether

the same residents will move to the new building. Bill replied that the nursing home is their home so they will continue to stay in the old building until the new one is constructed and then will be moved over. Mary Jayne Davis questioned if there will be 2 individuals per room. Mr. Terberg stated that there will be 34 private rooms. He added that there will be an emphasis on smoke containment throughout the building. Jason Jones asked if there will be a cost difference for the residents who stay. Bill replied that there are three different payment methods including Medicare, personal pay, and Medicaid. Everyone over 65 start on Medicare and perform extensive physical therapy to be released back into their homes. If this is unsuccessful, clients can stay at the home by paying privately or qualifying for Medicaid. J.R. Bangerter stated that the bigger portion of the property is owned by the hospital. Jack questioned if a delay agreement can be signed in the event that anything changes to the north of west. Nicole Cottle replied yes. Harold Woodruff stated that it's important to remain consistent and the wall would be required in any other case. Mr. Bangerter stated that there is a wetland environment that is important to the area.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval subject to the 6 conditions and changing number 5 to state that a masonry wall will be required on the north and east sides of the parcel that is adjacent to residential.

Commissioner Davis seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Conder | Yes |
| Commissioner Davis | Yes |
| Commissioner Jones | Yes |
| Commissioner Matheson | No |
| Commissioner Mills | Yes |
| Chairman Woodruff | Yes |

Majority - C-63-2008– Approved

PLANNING COMMISSION BUSINESS

Approval of minutes from January 7, 2009 (Study Session) **Approved**

Approval of minutes from January 14, 2009 (Regular Meeting) **Approved**

There being no further business, the meeting adjourned at 6:15 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant